



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/623,708	07/22/2003	Richard Brussel	017399-0211	4928

22428 7590 05/15/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
----------

NICHOLSON III, LESLIE AUGUST

ART UNIT	PAPER NUMBER
----------	--------------

3651

MAIL DATE	DELIVERY MODE
-----------	---------------

05/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/623,708

Applicant(s)

BRUSSEL, RICHARD

Examiner

Leslie A. Nicholson III

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-13,15-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13,15-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/19/2006 has been entered.

### ***Response to Arguments***

2. Applicant's arguments filed 12/19/2006 have been fully considered.

Upon further consideration, the previous indication of allowability of claim 13 is withdrawn (see ¶13).

Due to Applicant's amendments, all previous claim objections and 35 USC 112 2<sup>nd</sup> paragraph rejection are hereby withdrawn.

Applicant's arguments regarding claim 2 are not persuasive. Applicant argues Yamazaki do not teach the use of carrier plates to peel the plastic product off the belt and do not teach that the carrier plates settle resiliently on the surface of the conveyor belt. In response, the apparatus claims do not claim a conveyor belt but only claim the apparatus usable with a conveyor belt.

Applicant's arguments regarding claim 3 are not persuasive. Applicant argues the system of Miles require different considerations for picking up entirely different products in entirely different environments and one of ordinary skill would not be motivated to use the device of Miles. In response, the Examiner disagrees. The device of Miles is in the same field of endeavor.

Regarding claim 17, see ¶14.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 9,11,13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 9,11,13 recite the limitation "the conveyor belt". There is insufficient antecedent basis for this limitation in the claim. A conveyor belt has not been positively claimed as a limitation.

***Allowable Subject Matter***

5. Claims 1,10,12,15,16 are allowed.

***Claim Rejections - 35 USC § 102***

Art Unit: 3651

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 2,4,5 are rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki USP 6,074,163.

Yamazaki discloses an apparatus comprising transversely driven resilient carrier plates (4), a lift drive on a lifting spindle (5), and a cross rail (10).

### ***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Miles USP 5,247,761.

Yamazaki discloses all the limitations of the claim, but does not expressly disclose the carrier plates made from spring steel.

Miles teaches carrier plates made from spring steel for the purpose of providing the plates with a material having some resilience and flexibility while permitting adequate gripping force (C5/L52-55).

Art Unit: 3651

At the time of invention it would have been obvious to one having ordinary skill in the art to employ carrier plates made from spring steel, as taught by Miles, in the apparatus of Yamazaki, for the purpose of providing the plates with a material having some resilience and flexibility while permitting adequate gripping force.

10. Claims 6,8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Cohen USP 6,332,636.

Regarding claim 6, Yamazaki discloses all the limitations of the claim, but does not expressly disclose the apparatus further comprising a device for cleaning the carrier plates attached in an area of the cross travel drives.

Cohen teaches a device for cleaning the carrier plates attached in an area of the cross travel drives (C19/L23-26) for the purpose of removing foreign matter that can contaminate a conveyed product.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a device for cleaning the carrier plates attached in an area of the cross travel drives, as taught by Cohen, in the device of Yamazaki, for the purpose of removing foreign matter that can contaminate a conveyed product.

Regarding claim 8, Yamazaki discloses all the limitations of the claim, but does not expressly disclose the apparatus further comprising a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles.

Cohen teaches a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles (C19/L23-26) for the purpose of removing foreign matter that can contaminate a conveyed product.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a cleaning device, in which adapted to engage with and clean the carrier plates cyclically or after x-cycles, as taught by Cohen, in the device of Yamazaki, for the purpose of removing foreign matter that can contaminate a conveyed product.

11. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Yamazaki USP 6,074 in view of McGill USP 4,183,428.

Yamazaki discloses all the limitations of the claim, but does not expressly disclose the apparatus characterized in that a drive transports the plastic on a track.

McGill teaches the apparatus characterized in that a drive transports the plastic on a track (16) (fig.1) for the purpose of moving the products through a fixed course extending longitudinally of the apparatus (C2/L45-49).

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a drive to transport the plastic on a track, as taught by McGill, in the device of Yamazaki, for the purpose of moving the products through a fixed course extending longitudinally of the apparatus.

Art Unit: 3651

12. Claim 9,11, as best understood by the examiner (see ¶4), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Dischler USP 6,279,211.

Yamazaki discloses all the limitations of the claim, but does not expressly disclose the apparatus further comprising a roller coating unit, or bearing surfaces of the carrier plates and/or of the conveyor belt have a parting coat.

Dischler teaches a roller coating unit for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to a roller coating unit, as taught by Dischler, in the device of Yamazaki, for the purpose of reducing friction and heating.

Dischler teaches bearing surfaces of the carrier plates and/or of the conveyor belt have a parting coat for the purpose of reducing friction and heating (C2/L53-63).

At the time of invention it would have been obvious to one having ordinary skill in the art to having a parting coat on the bearing surfaces of the carrier plates and/or of the conveyor belt, as taught by Dischler, in the device of Yamazaki, for the purpose of reducing friction and heating.

13. Claim 13, as best understood by the examiner (see ¶4), is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Thomas, Sr. USP 5,449,063.



Art Unit: 3651

Yamazaki discloses all the limitations of the claim, but does not expressly disclose the apparatus wherein a width of one of the carrier plates is larger than the spacing of the wires in the conveyor belt.

Thomas, Sr. teaches the carrier plates larger than the spacing of the wires in the conveyor belt for the purpose of conveying a product on a surface that does not tangle with other intervening devices.

At the time of invention it would have been obvious to one having ordinary skill in the art to have the carrier plates larger than the spacing of the wires in the conveyor belt, as taught by Thomas, Sr., in the device of Yamazaki, for the purpose of conveying a product on a surface that does not tangle with other intervening devices.

14. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki USP 6,074,163 in view of Fukuyama PGPub 2001/0005518.

Yamazaki discloses all the limitations of the claim, but does not expressly disclose the device further comprising a molding press.

Fukuyama teaches the use of a molding press (23) for the purpose of molding material to a desired shape.

At the time of invention it would have been obvious to one having ordinary skill in the art to employ a molding press, as taught by Fukuyama, in the device of Yamazaki, for the purpose of molding material to a desired shape.

**Conclusion**

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie A. Nicholson III whose telephone number is 571-272-5487. The examiner can normally be reached on M-F, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

L.N.  
3/26/2007

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER